

REMARKS

Claims 1-18 are pending. Claims 3 and 10-18 are withdrawn. Claims 1, 2, 4-9 are under consideration. Claim 1 has been amended to correct minor grammatical errors, but not to overcome the prior art. The title of the invention has been amended. The specification has also been amended. No new matter has been presented.

The title of the invention was objected to because it was not descriptive. The title has been amended, and Applicants request that this objection be withdrawn.

The Summary of the Invention has been objected to because it is a verbatim copy of the claims and does not meet the objectives of 37 CFR 1.73. This objection is traversed.

First, Applicants submit that the summary of the invention, while it does include the exact language of some of the claims, also includes numerous paragraphs which speak to the objectives of the invention. Thus, it is not really true that the summary of the invention is *merely* a verbatim copy of the claims.

Secondly, 37 CFR 1.73 states:

A brief summary of the invention indicating its nature and substance, which may include a statement of the object of the invention, should precede the detailed description. Such summary should, when set forth, be commensurate with the invention as claimed and any object recited should be that of the invention as claimed.

Applicants submit that the summary of the invention of this application certainly fulfills the requirements of 37 CFR 1.73. For instance, paragraph [0009] sets forth an object of the invention. Further, the summary is most certainly commensurate with the claimed invention, and therefore complies with 37 CFR 1.73. Applicants also note that this rule is silent with respect to whether it is impermissible to repeat the substance of the claims in the summary. Thus, one cannot assert that this practice is not permitted by the rules. In fact, this is a common practice in patent application drafting.

The Examiner also cites 35 USC 112, first paragraph, and asserts that the legal language used in the claims does not fulfill the written description requirement. The Examiner states that 37 CFR 1.75(d) sets up the criteria that the specification is a dictionary for the claims and should provide clear support or antecedent basis for all terms used in the claims, and since the summary of the invention merely duplicates the claims, it is not providing support for the claims. Applicants respectfully disagree.

The first paragraph of 35 USC 112 merely states that the specification shall contain a written description of the invention and of the manner and process of making and using it, in such full, clear, concise and exact terms as to enable one of ordinary skill in the art to which it pertains to make and use the same. Applicants submit that the specification meets this requirement. Merely including legal language does not render something inexact, unclear, or incomplete. Furthermore, the summary of the invention is not the only portion of the specification which should be considered when evaluating compliance with 35 USC 112, first paragraph. The Examiner is overlooking the fact that the detailed description also includes a written description of the invention, and most certainly provides antecedent basis for the claims and clearly describes the invention such that one of ordinary skill in the art could make and use the invention.

Notwithstanding the above, Applicants have amended certain portions of the summary of the invention to remove some of the legal language referred to by the Examiner. Applicants therefore request that this objection be withdrawn.

Claims 1, 2, 4, 8 and 9 are rejected under 35 USC 102(e) as being anticipated by Chowdry, U.S. Patent No. 6,605,399. This rejection is respectfully traversed.

The Examiner asserts that elements 513 and 521 of Chowdry correspond to the claimed rotary member and that the belt, which is not shown, corresponds to the claimed image bearing body. Applicants submit that element 513 of Chowdry cannot possibly correspond to the claimed rotary member.

Element 513 of Chowdry is actually a support roller which moves the transport web 516 along a path and transports the sheets 512 along that path. Applicants assume that the belt referred to by the Examiner is the belt which is around the support rollers 513 and 514. However, this belt is not an image bearing body. Rather, Chowdry clearly teaches that elements 503 are sleeved primary image-forming members (col. 9, lines 7-10). The belt merely moves the sheets 512 along a certain path. The belt does not bear any images. It may bear a sheet of paper which bears an image, but it does not bear an image. Thus, element 513 cannot correspond to the claimed rotary member since it does not make contact with the surface of element 503 (the image bearing member). This means the only element which could correspond to the claimed rotary member, which makes contact with the image bearing member 503, is the transfer backing member 521.

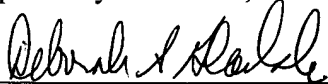
According to claim 1, one of the rotary member and the conductive member is connected to the single power supply while the other is grounded. In the case of Chowdry, the transfer backing member 521 (corresponding to the claimed rotary member) is connected to the power supply. Therefore, to teach the features of claim 1, the conductive member, which the Examiner asserts corresponds to element 504, must be connected to ground. As can be seen in Fig. 8 of Chowdry, element 504 is not connected to ground. Although element 513 is connected to ground, as discussed above, this element cannot possibly correspond to the claimed rotary member. Accordingly, Chowdry fails to teach or suggest the features of claim 1.

The remaining claims are allowable at least due to their respective dependencies. Applicants request that this rejection be withdrawn.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 325772035100.

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